DOCUMENT RESUME

ED 343 320 EC 301 002

AUTHOR Aleman, Steven R.
TITLE Education of the Deaf Act: Background and Reauthorization Issues. CRS Report for Congress.
INSTITUTION Library of Congress, Washington, D.C. Congressional Research Service.
REPORT NO CRS-91-509-EPW
PUB DATE 26 Jun 91
NOTE 7p.
PUB TYPE Reports - General (140)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Compliance (Legal); *Deafness; *Educational Legislation; Elementary Secondary Education; *Federal Aid; *Federal Legislation; Government Role; Higher Education; Legal Responsibility; Postsecondary Education; *Special Schools
IDENTIFIERS *Education of the Deaf Act 1986; Gallaudet University DC; Kendall Demonstration Elementary School DC; Model Secondary School for the Deaf DC; National Technical Institute for the Deaf

ABSTRACT

This summary of the Education of the Deaf Act (Public Law 99-371) discusses the special institutions funded under the act and other issues related to the Act's reauthorization. The National Technical Institute for the Deaf (Rochester, New York) and Gallaudet University (District of Columbia) provide postsecondary training for deaf individuals. Gallaudet also offers programs for deaf children and youth through the Kendall Demonstration Elementary School (KDES) and the Model Secondary School for the Deaf (MSSD). Fiscal year 1991 appropriations are $37 million for NTID, $48 million for Gallaudet University, and $21 million for KDES. The Act also created the Commission on Education of the Deaf. The Commission's 1988 report found that education for persons who are deaf was unsatisfactory and that both Congress and the Department of Education had failed to provide necessary direction and oversight of deaf programs. Issues in the Act's reauthorization include implementation of the Commission's recommendations. (DB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

91-509 EPW
June 26, 1991

EC

CRS Report for Congress

Congressional Research Service • The Library of Congress

ED343320

EDUCATION OF THE DEAF ACT: BACKGROUND AND REAUTHORIZATION ISSUES

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

Steven R. Aleman
Analyst in Social Legislation
Education and Public Welfare Division

SUMMARY

The Education of the Deaf Act of 1986, P.L. 99-371, (20 U.S.C. 4301 et seq.) provides for the education of deaf individuals through Gallaudet University and the National Technical Institute for the Deaf (NTID). Authority for appropriations to these institutions expires in FY 1991. This report briefly describes these schools, and discusses some issues that Congress may face during reauthorization.

Both NTID and Gallaudet University provide postsecondary educational opportunities for deaf adults. In addition, Gallaudet University offers programs for deaf children and youth through the Kendall Demonstration Elementary School (KDES) and the Model Secondary School for the Deaf (MSSD).

For FY 1991, $36,884,000 is appropriated for the operation of NTID; $47,623,000 is appropriated for the operation of Gallaudet University; and $21,223,000 is appropriated for the operation of KDES and MSSD.

P.L. 99-371 also created the Commission on Education of the Deaf to study the quality of education for deaf individuals. Its 1988 report, *Toward Equality: Education of the Deaf*, found that the status of education for persons who are deaf was unsatisfactory. It found that both the Congress and the Department of Education had failed to provide necessary direction and oversight of deaf education programs.

Among the issues that Congress may consider during reauthorization is the status of implementation of the recommendations of the Commission on Education of the Deaf.

EC 301002

GALLAUDET UNIVERSITY

Gallaudet University is a private, nonprofit institution providing elementary, secondary, college preparatory, undergraduate, graduate, and continuing education programs for deaf persons. The university is located in the District of Columbia, and was federally chartered in 1864. The institution is

2 BEST COPY AVAILABLE

governed by a Board of Trustees that includes one U.S. Senator and two U.S. Representatives.

P.L. 99-371 authorized "such sums as may be necessary" from FY 1987 through FY 1991 for the operation of the **university programs** of Gallaudet. Appropriations for these programs since FY 1987 are as follows:

FY 1987	$42,593,000
FY 1988	42,051,000
FY 1989	44,688,000
FY 1990	45,898,000
FY 1991	47,623,000

After adjusting for inflation, appropriations have decreased approximately 6 percent from FY 1987 to FY 1991. The FY 1991 appropriation comprises about 65 percent of the funding for the university programs. The remaining funding comes from a combination of student tuition and fees, Federal research grants, and other sources.

In the 1990-91 academic year, there were 1,845 undergraduates, 116 nondegree credit students, and 443 graduate students enrolled at Gallaudet. This includes 304 foreign students. Enrollment in university programs has increased about 9 percent since the 1986-87 academic year.

The Education of the Deaf Act authorizes an endowment matching grant program to aid Gallaudet in becoming more self-sufficient. The program matches dollar for dollar up to the amount appropriated for the program. The endowment fund corpus may not be withdrawn until 2006. Gallaudet may use up to 50 percent of the income of the fund for expenses necessary to the operation of the university. The program has only been funded since FY 1988. Gallaudet has matched the $2,931,000 appropriated between FY 1988 and FY 1990.

Among the issues that Congress may consider regarding university programs is the admission of foreign students and the tuition charged to them. There is concern about the Federal Government subsidizing the cost of educating foreign students, and foreign students competing with Americans for admission. Currently, there is a 50 percent tuition surcharge for foreign students. This tuition rate schedule for foreign students expires at the close of FY 1991.

Elementary and Secondary Schools

The KDES and MSSD are programs of Gallaudet University for deaf children and youth. The KDES and MSSD are day and residential schools that operate as models and sources of information for parents and teachers on the education of deaf children and youth. The KDES serves the greater Washington metropolitan area, and the MSSD serves Washington, Maryland, Virginia, West Virginia, Pennsylvania, and Delaware.

P.L. 99-371 authorized "such sums as may be necessary" from FY 1987 through FY 1991 for the operation of the **KDES and MSSD** of Gallaudet. Appropriations for these schools since FY 1987 are as follows:

FY 1987	$19,407,000
FY 1988	19,187,000
FY 1989	20,322,000
FY 1990	20,759,000
FY 1991	21,223,000

After adjusting for inflation, appropriations have decreased approximately 8 percent from FY 1987 to FY 1991. The appropriations totally fund the schools.

In the 1990-91 academic year, there were 191 students enrolled at KDES and 322 students enrolled at MSSD. Enrollment at KDES has decreased about 3 percent since the 1986-87 academic year while enrollment at MSSD has declined about 10 percent.

Among the issues that Congress may consider regarding KDES and MSSD is progress in responding to the 1987 General Accounting Office (GAO) study of how well KDES and MSSD were accomplishing their mission to develop and disseminate information on how to better educate deaf children and youth. The GAO found that although teachers across the Nation were generally satisfied with the information provided, Gallaudet needed to improve its management and accounting of these research and dissemination functions. The GAO found that Gallaudet lacked policies and procedures for monitoring research projects and did not account for actual expenses of projects.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

The NTID is an institution providing postsecondary technical training and education for deaf persons. The NTID is located in Rochester, New York, and is operated and maintained by the Rochester Institute of Technology under an agreement with the U.S. Secretary of Education. The Rochester Institute's board of trustees, with the Secretary's approval, appoints an advisory group to guide NTID. The Rochester Institute has served as the host institution for NTID since 1968.

P.L. 99-371 authorized "such sums as may be necessary" from FY 1987 through FY 1991 for the operation of NTID. Appropriations since FY 1987 are as follows:

FY 1987	$32,000,000
FY 1988	31,403,000
FY 1989	33,128,000
FY 1990	34,384,000
FY 1991	36,884,000

After adjusting for inflation, appropriations have decreased approximately 3 percent from FY 1987 to FY 1991. The FY 1991 appropriation comprises about 83 percent of the funding for NTID. The remaining funding comes from a combination of student tuition and fees, Federal student aid, and other sources.

In the 1990-91 academic year, there were 839 students enrolled in technical programs (data processing, medical lab technology, etc.) and 266 enrolled in professional programs (engineering, biotechnology, etc.) at NTID. This includes 17 foreign students. Enrollment at NTID has decreased about 14 percent since the 1986-87 academic year.

The Education of the Deaf Act also authorizes an endowment matching grant program to promote the financial independence of NTID. The program, which operates on the same basis as for Gallaudet, has been funded since FY 1988. The NTID has matched the $711,000 appropriated between FY 1988 and FY 1990.

COMMISSION ON EDUCATION OF THE DEAF

P.L. 99-371 created a Commission on Education of the Deaf to study the quality of education for deaf individuals and report to the President and Congress. Although the Commission noted in its report, *Toward Equality: Education of the Deaf*, that significant strides in educating persons who are deaf had been made over the past 20 years, they found that the actual implementation of many Federal initiatives to educate deaf persons had been inadequate and sometimes "misguided." In their view, this resulted in improvements that were markedly uneven.

The Commission attributed the unsatisfactory condition of deaf education to the failure of schools and government to provide direction and monitoring of programs, direct adequate resources to programs, and take advantage of available technology and preventive and early identification procedures.

The Commission's 1988 report included 52 specific recommendations for the Federal Government to improve the quality of education for deaf children and adults. Among the recommendations concerning deaf children and youth, the Commission strongly suggested that the least restrictive environment concept found in the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.) be refocused to stress appropriate educational placement over placement in the least restrictive environment. The Commission determined that this requirement is often interpreted as meaning placement in a regular classroom. It felt that mainstreaming deaf students into regular classrooms is often inappropriate and harmful.

Regarding postsecondary education, it suggested the establishment of comprehensive service centers for noncollege-bound deaf youth and adults, and an expanded role for the federally supported Regional Postsecondary Education Programs for the Deaf. Regarding professionals, it called for minimum training and competency standards for deaf education teachers.

Earlier this year, a status report on implementation of the recommendations of the Commission was issued by its former chairperson, Dr. Frank Bowe. His own report, *Approaching Equality: Education of the Deaf*, finds that as of February 1991, significant action has been taken on 26 of the 52 recommendations and that 6 recommendations have seen no action at all.

In his report, Dr. Bowe suggests that the reauthorization of the **Education of the Deaf Act** is an opportunity to further several recommendations of the Commission that have not yet been either fully implemented or acted upon at all:

- The Commission recommended that the Department of Education encourage States to establish program standards (in such areas as curriculum, teacher training, range of available related services) for deaf students requiring special schools or classes. Dr. Bowe explains in *Approaching Equality* that the Department has taken limited action on this recommendation. Thus, he suggests that Congress set program standards for KDES and MSSD to prompt and guide State adoption of standards for deaf education.

- The Commission recommended that Congress amend the Education of the Deaf Act to set specific research and dissemination priorities for KDES and MSSD, and require annual reports and evaluations of these projects. The Commission identified a critical need for research for four special groups of deaf students: students who are low achieving academically, students who have secondary disabilities, students who are limited English proficient, and minority students. To date, no action has occurred on this recommendation.

- The Commission recommended that Congress increase funding of the Regional Postsecondary Education Programs for the Deaf and expand the number of programs from four to five. These programs provide postsecondary opportunities for deaf individuals outside of the Northeast, where Gallaudet and NTID are located. The Commission concluded that a fifth center was needed to serve the Southwest. Although Congress has increased funding for this program, a fifth center has not yet been established. Some propose that the program now authorized under IDEA be authorized and expanded under the Education of the Deaf Act.

- The Commission recommended that Congress establish 10 comprehensive service centers to provide vocational training and rehabilitation services for lower functioning deaf youths and adults who are not college-bound. The Commission identified a need for services by this segment of the deaf population that has deficiencies in language performance and social development. Although Congress funded two demonstration service programs in FY 1990 in response to the Commission's work, Dr. Bowe's own report encourages Congress to fully implement this recommendation.

- The Commission recommended that Congress create a liaison office in the Department of Education to coordinate the research and dissemination activities of Gallaudet University, NTID, and the Regional Postsecondary Education Programs for the Deaf. The Commission was concerned about a lack of coordination and duplication of research efforts at these institutions. Although a liaison office has been established by the Department, Dr. Bowe advises in his own report that Congress should give the office a legislative basis by authorizing it in the Education of the Deaf Act.

- The Commission recommended that Congress require Gallaudet University and NTID to develop institutional research plans and seek public input during their development. The Commission wanted to ensure that these institutions were responsive to the research needs of the Nation. Dr. Bowe suggests in *Approaching Equality* that Congress give this recommendation further consideration.

- At the conclusion of his own report, Dr. Bowe urges that Congress authorize a formal follow up study of implementation of the Commission's recommendations.

Dr. Bowe's *Approaching Equality* also suggests other legislative action to further two other recommendations of the Commission:

- The Commission recommended that Congress pass a "Quality in Deaf Education Act" providing incentives to States to improve the quality of education and services provided to students who are deaf. The Commission was concerned that the excellence in education reform movement was not addressing the needs of deaf children, and that new legislation could help States move from focusing on where deaf students are taught (i.e., regular classroom versus separate school) to what and how they are taught. For instance, the proposed legislation could reward States that establish deaf student outcome standards in areas like achievement scores, graduation rates, and proficiency in English. To date, no action has occurred on this recommendation.

- The Commission recommended that the Department of Education recognize American Sign Language as a "native language" under the Bilingual Education Act. The Commission sought such recognition to acknowledge that American Sign Language is a language in its own right. Dr. Bowe explains in his own report that the Department's general counsel has decided that the Department does not have the authority to act on this recommendation. Thus, he suggests that Congress consider amending either the Individuals with Disabilities Education Act or the Bilingual Education Act to allow the Department to recognize American Sign Language as a "native language."